

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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In re : Chapter 9
CITY OF DETROIT, MICHIGAN, : Case No. 13- 53846
Debtor. : Hon. Steven W. Rhodes
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**CITY OF DETROIT’S *EX PARTE* MOTION TO STRIKE COMMITTEE’S
UNAUTHORIZED SUPPLEMENTAL BRIEF [DOCKET NO. 2724]**

On February 19, 2014, this Court held a hearing (the “Hearing”) on the City of Detroit’s motion (Docket No. 2626) (the “Motion”) for entry of an order vacating the appointment of the Official Committee of Unsecured Creditors (the “Committee”). At the conclusion of argument at the Hearing, the Court took the Motion under advisement. *See* Minute Entry, Feb. 19, 2014. The Court did not request or authorize additional briefing on the City’s Motion, nor do the local rules permit briefing beyond an opening brief, response and reply. *See* L.B.R. 9014-1(e); *see also United States v. Reynolds*, No. 12-20843, 2013 U.S. Dist. LEXIS 43127, at *7 (E.D. Mich. Mar. 27, 2013) (interpreting district court rule parallel to LBR 9014-1 and stating that “[p]arties may *not* file additional or ‘supplemental’ briefs without leave of Court to do so”) (emphasis in original).

Nonetheless, the Committee – without seeking leave of the Court – filed an 8-page supplemental brief, further elaborating on arguments it already had the opportunity to make before this Court in its responsive briefing and at the Hearing. The Committee’s unauthorized supplemental brief is improper under the applicable rule and should be stricken. *Cf. Fox v. Riverdeep, Inc.*, No. 07-13622, 2009 U.S. Dist. LEXIS 44328, at *1-2 n.1 (E.D. Mich. May 26, 2009) (striking sur-reply that was filed without leave of court).

WHEREFORE, the City respectfully requests that the Court enter the order attached hereto as Exhibit 1, striking the Committee’s unauthorized supplemental brief from the record.

[signature page follows]

Dated: February 24, 2014

Respectfully submitted,

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ATTORNEYS FOR THE CITY OF
DETROIT

EXHIBIT 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
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**ORDER STRIKING COMMITTEE’S SUPPLEMENTAL BRIEF TO THE
ISSUES RAISED AT THE FEBRUARY 19, 2014 HEARING
ON THE MOTION OF DEBTOR FOR ENTRY
OF AN ORDER VACATING THE APPOINTMENT OF
OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

This matter having come before the Court on the *ex parte* motion of the Debtor, City of Detroit, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the Committee’s Supplemental Brief to the Issues Raised at the February 19, 2014 Hearing on the Motion of Debtor for Entry of an Order Vacating the Appointment of Official Committee of Unsecured Creditors [Docket No. 2724] is STRICKEN.

EXHIBIT 2

(not applicable)

EXHIBIT 3

(not applicable)

EXHIBIT 4

Certificate of Service

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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: Chapter 9
: CITY OF DETROIT, MICHIGAN, :
: Case No. 13- 53846
: Debtor. :
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: :
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-----X

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2014, I caused the City Of Detroit's *Ex Parte* Motion to Strike Committee's Unauthorized Supplemental Brief [Docket No. 2724] to be electronically filed with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel registered to receive notice in this adversary proceeding.

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ATTORNEYS FOR THE CITY OF
DETROIT

EXHIBIT 5

(not applicable)

EXHIBIT 6

(not applicable)